

**BOARD OF COUNTY COMMISSIONERS**

**AGENDA ITEM SUMMARY**

Meeting Date: May 16, 2006

Division: Growth Management

Bulk Item: Yes      No X

Department: Planning and Env. Resources

Staff Contact Person: Aref Joulani  
Jerry D. Sanders, Esq.

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**AGENDA ITEM WORDING:** A public hearing to consider a request for Administrative Relief from Miguel Cano Lot 6, Block 8, Amended Plat of Winston Waterways 2, Key Largo, Real Estate Number 00547211.002400.

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**ITEM BACKGROUND:** A building permit and ROGO allocation were applied for on October 10, 2001 (Year 10, Quarter 1). The applicant applied for administrative relief on January 4, 2006 (Year 14, Quarter 1) and is within the allowable time frame to be eligible for administrative relief under Section 9.5-122.2(f) of the Monroe County Code.

Staff recommends that Administrative Relief be granted in the form of a dwelling unit allocation award.

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**PREVIOUS RELEVANT BOCC ACTION:** N/A

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**CONTRACT/AGREEMENT CHANGES:** N/A

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**STAFF RECOMMENDATIONS:** Approval.

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**TOTAL COST:** N/A

**BUDGETED:** Yes N/A No     

**COST TO COUNTY:** N/A

**SOURCE OF FUNDS:** N/A

**REVENUE PRODUCING:** Yes      No      **AMOUNT PER MONTH**      **Year**     

**APPROVED BY:** County Atty X OMB/Purchasing N/A Risk Management N/A

**DIVISION DIRECTOR APPROVAL:** TJ 5/3/26  
Ty Symroski

**DOCUMENTATION:** Included X

Not Required     

**DISPOSITION:**     

**AGENDA ITEM #**

**RESOLUTION NO.    -2006**

A RESOLUTION BY THE MONROE COUNTY BOARD OF  
COUNTY COMMISSIONERS **APPROVING** THE REQUEST  
FOR ADMINISTRATIVE RELIEF MADE BY MIGUEL CANO  
ON THE LOT DESCRIBED AS LOT 6, BLOCK 8, WINSTON  
WATERWAYS SUBDIVISION, KEY LARGO,  
RE#00547211.002400. THE RECOMMENDED RELIEF IS IN  
THE FORM OF A DWELLING UNIT ALLOCATION

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**WHEREAS**, Miguel Cano submitted an application for administrative Relief under Sec. 9.5-122(f)(6) of the Monroe County Land Development Regulations, and

**WHEREAS**, the Monroe County Board of County Commissioners makes the following finds of fact and conclusions of law:

1. Miguel Cano's application for Administrative Relief is for Lot 6 Block 8, Winston Waterways Subdivision.
2. The application has been in the ROGO system for at least four (4) consecutive years.
3. The Board of County Commissions (BOCC) has the authority to grant administrative relief under Section 9.5-122.2(f)(6) and may grant the applicant a building allocation, offer to buy the property at fair market value, or provide such other relief as may be necessary and appropriate.
4. The lot is not identified as being in the Conservation and Native Area (CNA), received no negative environmental points and one (1) positive environmental point.
5. Board of County Commissioners Resolution 223-2004 directs staff to identify small parcels with indigenous hammock and pinelands for recommended purchase.
6. The subject property is not an area of indigenous hammock or pinelands.
7. Policy 101.6.5 of the 2010 Comprehensive Plan provides criteria to be used for determining lands that are appropriate for acquisition and the criteria includes the environmental sensitivity of the vegetative habitat on the lot.
8. The subject property, is zoned Improved Subdivision (IS), is located in Winston Waterways Subdivision and is not environmentally sensitive.
9. The applicant on January 4, 2006 applied for Administrative Relief under Section 9.5-122.2(f)(6) of the Monroe County Code and Policy 101.6.1 of the 2010 Comprehensive Plan. Section 9.5-122.2(f) of the Monroe County Code provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief.
10. The applicant has been in the ROGO system for three of the last four annual allocation periods and therefore qualifies for administrative relief.

11. The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands.
12. The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Years 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

**NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MONROE COUNTY, FLORIDA, THAT:**

Administrative relief is granted to Miguel Cano on Lot 6, Block 8, Winston Waterways in the form of a dwelling unit allocation award, subject to the following conditions:

1. The timing of the issuance of the permit shall be in accordance with the annual number of residential allocations defined by Policy 101.2.13 of the Monroe County Year 2010 Comprehensive Plan and as required by Section 9.5.-122.2(f) of the Monroe County Code; and
2. The allocation award shall be taken out of the next quarterly allocation which closes July 13, 2005 (Quarter 4, Year 14) or such time as a residential allocation becomes available; and
3. The assignment of a nutrient reduction credit shall be required prior to issuance of the permit.

**PASSED AND ADOPTED** by the Board of County Commissioners of Monroe County, Florida at a regular meeting held on the \_\_\_\_\_ day of \_\_\_\_\_, 2006.

Mayor Charles "Sonny" McCoy \_\_\_\_\_  
Mayor Pro Tem Murray Nelson \_\_\_\_\_  
Commissioner George Neugent \_\_\_\_\_  
Commissioner David Rice \_\_\_\_\_  
Commissioner Dixie Spehar \_\_\_\_\_

BOARD OF COUNTY COMMISSIONERS  
OF MONROE COUNTY, FLORIDA

BY \_\_\_\_\_  
Mayor Charles "Sonny" McCoy

(SEAL)

ATTEST: DANNY L. HOLHAGE, CLERK

\_\_\_\_\_  
DEPUTY CLERK



# County of Monroe

## Planning Department

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## Board of County Commissioners

Mayor Charles McCoy, Dist. 3  
Mayor Pro Tem Murray Nelson, Dist. 5  
Comm. Dixie Spehar, Dist. 1  
Comm. George Neugent, Dist. 2  
Comm. David P. Rice, Dist. 4

To: Board of County Commissioners

Through: Aref Joulani, Director  
Department of Planning and Environmental Resources

From: Ben Bolz, Planning Technician

Date: April 19, 2006

Subject: **Cano Administrative Relief Request**

AJ.

### **Background on Subject Property:**

The subject property is zoned Improved Subdivision (IS) and is located in the Winston Waterways Subdivision, Lot 6, Block 4, Key Largo, Real Estate Number 00547211.002400. The applicant purchased the property in April of 2000. The sale price is listed in the assessor's records as \$35,000 for the lot. The current land value is listed in the assessor's records as \$46,125.00. The applicant entered the Residential Rate of Growth Ordinance (ROGO) system on October 10, 2001 (Year 10, Quarter 1). Permit #01-3-2260.

### **Permitting History:**

A building permit and ROGO allocation were applied for on October 10, 2001. (Year 10, Quarter 1). The application scored seventeen (17) points: ten (10) points from planning, six (6) points from the building department, and (1) point from environmental resources as the subject property was determined to be Habitat Protection Group 1, disturbed/scarified, by the Upper Keys Biologist.

Currently, with the addition of four (4) perseverance points, the property scores twenty-one (21) points.

The property lies between one (1) developed lot and three (3) undeveloped lots. There are only six (6) vacant lots on the street where the property is located, and the applicant is applying for administrative relief on one (1) of the existing vacant lots. The rest of the Winston Waterways Subdivision is largely built out, with few lots remaining which have not been entered into the ROGO Allocation System.

There have been seventeen (17) ROGO allocations granted in this subdivision, and another sixteen (16) are currently in the system awaiting an allocation. A list of permits allocated and issued, along with the ROGO allocation year is attached as Appendix A.

The applicant applied for administrative relief on January 4, 2005 (Year 14, Quarter 1) and is within the allowable time frame to be eligible for administrative relief under section 9.5-122.2(f) of the Monroe County Code.

### **Development Potential:**

Zoning – The property is zoned Improved Subdivision (IS) allows single-family residential dwellings and accessory uses. As an IS lot, it has no TDR value under the current code.

Future Lane Use Map (FLUM) – The FLUM indicates the property to be Residential Medium (RM) which is intended for single-family residential use.

Proposed Tier - Tier III Infill Area

Land Type – The property was given a point assignment of one (1) positive point for being in Habitat Group 1 which is defined in Section 9.5-122.3(7) and includes the following: Disturbed/scarified or disturbed with hammock or disturbed with exotics. This is the least environmentally sensitive category of the four described in Section 9.5-122.3(7).

Neighboring Properties – The subdivision is highly developed with few remaining vacant lots.

**ROGO-** The ROGO point system is designed to direct growth to protect natural resources and to encourage infill development of improved subdivision lots. In response to Objectives 101.5 of the Monroe County 2010 Comprehensive Plan which directs the County to protect natural resources, Land Development Regulations (LDRs) have been adopted that score negative ROGO points in environmentally sensitive lands. The subject lot received no negative points under Section 9.5-122.3 of the Land Development Regulations, and is not identified as being in the Conservation and Natural Areas (CNA).

**Eligibility for Administrative Relieve Options:**

Section 9.5-122.2(f) of the Monroe County Land Development Regulations and Policy 101.6.1 or the 2010 Comprehensive Plan provides a mechanism whereby an application which has not received an allocation award in ROGO may apply to the Board of county Commissioners for Administrative Relief. The applicant is eligible for Administrative Relief having complied with all requirements of the dwelling unit allocation system and having been considered in at least three (3) of the last four consecutive annual allocation periods and having submitted their application for Administrative Relief no earlier than the third annual allocation period and no later than ninety (90) days following the close of the fourth allocation period.

**Relief Options under Administrative Relief:**

The remedies available to an application for Administrative Relief pursuant to Section 9.5-122.2(f) include issuance of an allocation award or just compensation by purchase of the property or such other relief as may be necessary or appropriate.

The subject property does not contain sensitive environmental features or any significant habitat for endangered or threatened animal species. It therefore does not meet the criteria established under the existing Policy 101.6.6 and Policy 102.4.2, or the proposed Policy 101.6.5 of the Year 2010 Comprehensive Plan for the purchase of property under Administrative Relief.

The applicant has requested administrative relief in the form of a granting of an allocation and has not expressed a desire to sell the property to the County as provided for under Policy 101.6.1 of the Year 2010 Comprehensive Plan.

**Staff Analysis:**

The Growth Management Division has reviewed the application and recommends the award of a ROGO allocation to the applicant.

**Findings of Fact:**

1. The Miguel Cano. ROGO application for Lot 6, Block 8, Winston Waterway Subdivision received no negative environmental points and one (1) positive environmental point; and
2. Policy 101.6.1 of the 2010 Comprehensive Plan and Section 9.5-122.2(f) of the Monroe County Land Development Regulations provides a mechanism whereby an applicant who has not received an allocation award in ROGO may apply to the Board of County Commissioners for administrative relief; and
3. The applicant has been in the ROGO system for four of the last four annual allocations periods and therefore qualifies for administrative relief; and
4. The property does not qualify under criteria established by Resolution 223-2004 for purchase by the Monroe County Land Authority of small parcels with indigenous hammock and pinelands; and
5. The property does not qualify as environmentally sensitive under criteria established by Policy 101.6.5 and Policy 101.6.6 of the Monroe County Year 2010 Comprehensive Plan that directs the County to prioritize acquisition based on the environmental sensitivity of the land.

**Recommendation:**

1. It is recommended that the Board of County Commissioners find that the applicant has met the criteria and qualifies for Administrative Relief. It is further recommended that an order be prepared that establishes this relief as an award of a ROGO allocation in the next quarterly ROGO allocation period which closes April 13, 2006, or at such time as a ROGO allocation is available.

cc: Ronda Norman, Director of Growth Management  
Mark Rosch, Monroe County Land Authority







## APPENDIX A

### ROGO ALLOCATIONS FOR Winston Waterways

<u>YEAR 1 – JULY 1992 – JULY 1993</u>	<u>YEAR 2 – JULY 1993 – JULY 1994</u>
92-3-6962	92-3-7683 93-3-10923 93-3-8904 92-3-7682
<u>YEAR 3 – JULY 1994 – JULY 1995</u>	<u>YEAR 4 – JULY 1995 – JULY 1996</u>
94-3-1691	None
<u>YEAR 5 – JULY 1996 – JULY 1997</u>	<u>YEAR 6 – JULY 1997 – JULY 1998</u>
96-3-848 94-3-2662	96-3-2092 95-3-3358 95-3-3357 98-3-868
<u>YEAR 7 – JULY 1998 – JULY 1999</u>	<u>YEAR 8 – JULY 1999 - JULY 2000</u>
98-3-3175	99-3-0967 97-3-2108 99-3-1954
<u>YEAR 9 – JULY 2000 – JULY 2001</u>	<u>YEAR 10 – JULY 2001 – JULY 2002</u>
NONE	NONE
<u>YEAR 11 – JULY 2002 – JULY 2003</u>	<u>YEAR 12 – JULY 2003 – JULY 2004</u>
00-3-3114	NONE
<u>YEAR 13 – JULY 2004 – JULY 2005</u>	
NONE	